UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,703	03/11/2004	Christopher Dougherty	N0190US	6203

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EXAMINER
WERT, JOSHUA P

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
12/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *6/25/2008*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☒ Other: *MapQuest 1997 PDF*.

DETAILED ACTION

Response to Amendment

1.   The examiner acknowledges the amendments to the claims filed 6/25/2008 including the amendment of claims 1 and 21 as well as the addition of claim 25. The amendment to the claims is fully supported in the disclosure and no new matter has been added.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over SimCopter and SimCity in view of MapQuest.

4.   Regarding claims 1, 17, 18 and 21, SimCopter discloses selecting a map (SimCopter Users Manuel Page 3, SimCity map or standard game city maps) and a game shell including basic logic, rules, strategy and characters (SimCopter Users Manual Pages 3 and 56, parameters set within SimCopter. The underlying game in SimCopter has basic logic, rules, strategy and characters that are determined based on the SimCity map and the preferences manually selected) and combining them in to a computer game (The specific game that the user ends up playing).

Who produces and selects the map database and the game shell, who combines

the selections and who uses the game is immaterial to the patentability of the claimed

method. It is well within the ability of one skilled in the art, and common practice for

either one person to put together a game or for multiple people to put together a game.

Additionally, it is common place in the art for people to both design games for

themselves or to use games that they have created. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to have one person

create a map in SimCity, to have a second person start a game in SimCopter and chose

the map created by the first person, and for the second person to allow a third person to

play the game that they set up.

What SimCity and SimCopter lack are map database products that contain road

network information, geographic coordinates of positions of roads and turn restrictions

of roads, streets names and other general map information derived from a database

suitable for vehicle navigation in the real world. SimCity has the capability of modeling

real-world cities. It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have a user to look at a map of a city from a database

suitable for vehicle navigation in the real world (MapQuest) that contains standard and

well known map information such as geographical coordinates of positions of roads,

turn restrictions and street names (see MapQuest) and create a map database product

in SimCity that replicates the desired features of the real-world geographic locales for

storage in the map database usable by a person interested in playing SimCopter so that

the user of SimCopter or any other suitable Sim title could play the desired game in a

representation of a real-world local of their chosing.

5.   Regarding claims 2-5 and 22-23, SimCopter discloses selecting a SimCity map.

SimCity 2000 Users Manuel discloses during the creation of a map that can be used in

SimCopter having a road inventory with different road pavements and types as well as

3D models of buildings, trees and other cityscape things.

6.   Regarding claims 6, 7 and 24, SimCopter discloses game engines that include

starting building fires, radio dispatches and a number of other such engines.

7.   Regarding claims 8-10, it is inherent that both SimCopter and SimCity have a

geographic API to allow game components such as the game engine that starts a fire to

know where on the map the fire is, what type of terrain and building is there and alert

the player of its location.

8.   Regarding claims 11-13, it is inherent that SimCopter has a geographic data tool

program that combines road model data from SimCopter with the location and type data

from the SimCity map since in the presentation of the SimCity map to the player in

SimCopter, the location of the streets and buildings are the same as in SimCity but the

visual aspects of them are different and can be seen in a perspective view.

9.   Regarding claims 14 and 15, SimCopter and SimCity both have repositories

including sets of parameters associated with different computer platforms (Box for

SimCity says that it is compatible with several different systems).

10.   Regarding claim 16, SimCopter is representative of one type of game

(aircraft/flight simulator which also includes walking around) that uses the geographic

data from the SimCity maps. Other games such as Streets of SimCity which was published around the same time as SimCopter operate on the same principal but is a driving/police chase/auto theft type game. In addition, the maps built for the Streets of SimCity application could be built differently from those built for SimCopter to accentuate the rules and logic of each game shell.

11.   Regarding claims 19, 20 and 25, As discussed in regards to the independent claims, it is well within the ability of one of ordinary skill in the art to create a map database product based on a real-world local of varying accuracy levels based on the amount of time and effort the individual wants to put in to the creation of the map database product. Additionally, Mapquest provides information about real-world locals that includes auto, pedestrian, bicycle and aircraft and SimCity has options to build infrastructure for and display (as does SimCopter) cars, pedestrians, bicycles and aircraft.

Response to Arguments

12.   Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA WERT whose telephone number is (571)270-1894. The examiner can normally be reached on Monday - Thursday 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Peter Vo can be reached on (571) 272-7147. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

12/17/2008
JPW

/J. W./
Examiner, Art Unit 3714